

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

ESTATE OF MICHAEL EDWARD BELL, by
Special Administrator Michael Martin Bell,
KIM MARIE BELL,
MICHAEL MARTIN BELL, and
SHANTAE BELL,

Plaintiffs,

vs.

Case No. 05-C-1176

OFFICER ERICH R. STRAUSBAUGH,
OFFICER ERICH S. WEIDNER,
LIEUTENANT DAVID H. KRUEGER,
OFFICER ALBERT B. GONZALES,
KENOSHA POLICE DEPARTMENT,
c/o CHIEF OF POLICE DANIEL C. WADE,
and CITY OF KENOSHA,

Defendants.

**DEFENDANTS' RESPONSES TO PLAINTIFFS'
FOURTH SET OF WRITTEN INTERROGATORIES
DATED JUNE 19, 2007 TO ALBERT B. GONZALES**

The Defendants, by their attorneys, Gunta & Reak, S.C., submit the following responses to Plaintiffs' Fifth Set of Written Interrogatories Dated June 19, 2007 to Albert B. Gonzales.

INTERROGATORY NO 1: Identify each and every factual basis that supports your answer to Defendant Officer Albert B. Gonzales' Response to Plaintiffs' Rule 36 Requests for Admission (hereafter "Response") No. 5 in which you denied that the front of the Nissan was on the left side of Michael Edward Bell's head at the time he was shot.

RESPONSE: I was at the front of the Nissan at the time that I shot Mr. Bell in the right side

of his head. My pistol was pointed toward the windshield. Michael Bell was not bent over backwards over the hood of the car.

INTERROGATORY NO. 2: Identify each and every factual basis that supports your Response No. 8 in which you admitted that at the time Michael Edward Bell was shot the right side of his head was closer to the front of the Nissan than the left side of his head.

RESPONSE: The entry wound was on the right side of Michael Bell's head. See response to Interrogatory No. 1.

INTERROGATORY NO. 3: Identify each and every factual basis that supports your Response No. 9 in which you admitted that at the time Michael Edward Bell was shot the left side of his head was closer to the windshield of the Nissan than the right side of his head.

RESPONSE: See responses to Interrogatory Nos. 1 and 2.

INTERROGATORY NO. 4: Identify each and every factual basis that supports your Response No. 16 in which you denied that you could not shoot Michael Edward Bell in the right side of the head if you were standing in front of the Nissan at the time you shot Michael Edward Bell.

RESPONSE: See responses to Interrogatory Nos. 1 and 2.

INTERROGATORY NO. 5: Identify each and every factual basis that supports your Response No. 19 in which you denied that if you were standing in front of the Nissan at the time you shot Michael Edward Bell the shell casing would not eject to the location shown in Exhibit 1 to the Requests for Admissions.

RESPONSE: I do not know how the shell casing ended up where it did at the time it was photographed. I do not know its initial course upon ejection, whether it hit any persons or objects which changed its direction, whether it was kicked, etc.

INTERROGATORY NO. 6: Describe in detail the position you claim Michael Edward Bell's body was in at the time he was shot. The description should include:

- a. The position of his feet relative to the front driver's side tire;
- b. The position of his waist relative to the front driver's side tire;
- c. The position of his chest relative to the hood of the Nissan;
- d. The position of his head relative to his chest.


RESPONSE: The right side of Michael Bell's head had to have been facing towards the front of the Nissan, because he was shot in the right side of his head while I was positioned at the front of the car. I do not know the answers to the remaining inquiries in Interrogatory No. 6

Dated this 8th day of Aug, 2007.


Albert B. Gonzales

Subscribed and sworn to before me

this 8 day of Aug, 2007.


Notary Public, State of Wisconsin
My Commission exp. 5-16-10.